
Appeal Decision

Site visit made on 13 June 2017

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2017

Appeal Ref: APP/X5210/Z/17/3171221

Bus Shelter outside 140 Haverstock Hill, London NW3 4RT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Mohamed Ahmed, JCDecaux UK Ltd, against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/2372/A, dated 16 March 2016, was refused by notice dated 24 January 2017.
 - The advertisement proposed is the display of two internally illuminated digital screens to existing bus shelter structure no. 0107/0205.
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Decision

1. The appeal is allowed and express consent for the display of two internally illuminated digital screens to existing bus shelter structure no. 0107/0205 as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisements hereby granted shall include static images only. The interval between advertisements shall take place over a period no greater than one second. No visual effects of any kind are permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. The display shall include a mechanism to freeze the image in the event of a malfunction. Each image shall be displayed for at least 10 seconds. The use of message sequencing for the same product is prohibited.
 - 2) The intensity of luminance of the advertisements shall be no greater than 300Cdm² during the hours of darkness. The intensity of luminance of the advertisements during the daytime shall be in accordance with details to be submitted to and approved in writing by the local planning authority prior to the operation of the advertisements.

Preliminary matters

2. I have used the address and description given in the Council's decision, which more accurately and concisely describes the location and the proposal.
 3. The Council refer to various policies in its adopted Development Plan. The Regulations require that decisions on advertisement applications and appeals be made only in the interests of amenity and public safety, taking into account
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the provisions of the development plan, so far as they are material. I have therefore taken the policies into account on this basis.

Main Issue

4. The main issue is the effect of the proposed advertisements upon the visual amenity of the area.

Reasons

5. The appeal site is located within the Parkhill and Upper Park Conservation Area and opposite the boundary to the Belsize Conservation Area. The Council say that Nos 128 to 138 Haverstock Hill are identified as buildings which make a positive contribution to the Parkhill and Upper Park Conservation Area and I find no reason to disagree. The site is also located to the south east of the grade II listed building at No 148 Haverstock Hill.
6. I am therefore mindful of the duties placed upon me by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. These set out the need to have special regard to the desirability of preserving the setting of a listed building and that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. This part of Haverstock Hill is predominantly residential and there are no other signs or shop fronts in the immediate vicinity. Nevertheless, the appeal relates to an existing bus shelter located at the back of the footpath and adjacent to the front boundary wall of 140 Haverstock Hill, which already incorporates a double sided advertisement panel. The Council has confirmed that both sides have consent to display vertically scrolling advertisements, however, only the inward facing side currently operates as such. Both poster signs are illuminated from the rear.
8. This panel would be replaced by a double sided digital display unit with similar proportions, which would appear as an integral part of the bus shelter. Subject to conditions controlling the brightness level to respect its historic setting, as well as the way in which the advertisements are displayed, including the frequency of the changes, I am satisfied that no significant change will occur. It therefore follows that there would be no greater impact on the visual amenity of the area than the existing internally illuminated poster displays. It would similarly have no greater impact on the Parkhill and Upper Park Conservation Area or the setting of the Belsize Conservation Area or the setting of the listed building at No 148. The replacement adverts would therefore have a neutral impact and as such would preserve the existing character and appearance of the conservation area and the setting of the nearby listed building.
9. Moreover, the nearest residential properties to the display are set back from the road and are largely screened by a combination of the existing wall and trees and vegetation above. Again, subject to the above controls, the proposal would result in no material change above that which already occurs to the visual amenity of neighbouring occupiers.
10. I do not therefore find conflict with Local Development Framework Core Strategy Policies CS5 and CS14 or Local Development Framework Development Policies (DP) Policy DP25, which seek, amongst other matters, to preserve and

enhance Camden's rich and diverse heritage assets and their settings. The Council's reason for refusal also refers to DP Policy DP24, however, this policy relates to quality design in developments rather than advertisements.

11. I have noted the Council's reference to other proposals for digital screens which have been dismissed at appeal. However, I have not been provided with any details of those schemes with which to compare. In any case, I have treated the appeal proposal on its own merits.
12. I therefore conclude that the proposal would not have an adverse effect upon the visual amenity of the area and the matters put forward and the other considerations before me, including the objection from Downshire Hill Residents Association, do not indicate that the advertisements should be resisted.
13. The Regulations impose five standard conditions. I have considered the additional conditions suggested by the appellant and the Council and I agree further conditions are required to control the brightness and content of the displays. I have amended the conditions put forward by the appellant to ensure that the brightness of the signs are limited so as not to detract from the character of the area and to ensure that the images would not result in harm with regard to highway safety.
14. For the reasons given above, the appeal is allowed.

Richard S Jones

INSPECTOR